

barrel on all crude petroleum produced in this State for the administration of this law and other laws relating to conservation of oil and gas and for the payment of the salaries of the Conservation Commission; providing for the method of collecting said tax; repealing Article 6032, Revised Statutes of Texas, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Farmer:

H. B. No. 27, A bill to be entitled "An Act to provide for a moratorium in the State of Texas on the collection of all debts on all real property for a period of two years; and providing no suit shall be instituted or prosecuted to collect any debt on real property; and providing all suits now pending for the collection of debts on real property shall remain statu quo, and providing that no execution or writ of possession on real property shall be of any effect when issued; and providing no writ of possession shall be issued for a period of two years under deed of trust foreclosure, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Sparkman:

H. B. No. 28, A bill to be entitled "An Act to amend Article 6401 of the Revised Civil Statutes of the State of Texas, of 1925, to prevent the maturing, going to seed and spreading of Johnson grass, Bermuda grass, Russian thistles, or cockleburs, upon or from the right of ways of railroad companies, telephone companies, electric power companies, crude oil pipe line companies, natural and artificial gas companies, and all other corporations, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Tarwater, Mr. Farrar, Mr. Ford, Mr. Fuchs, Mr. Donnell, Mr. Elliott, Mr. Weinert, Mr. Giles, Mr. Carpenter, Mr. Sullivant, Mr. Alsup, Mr. Stephens, Mr. Wyatt, Mr. Dale, Mr. West of Coryell, Mr. Lee, Mr. Rogers, Mr. Sparkman, Mr. Ray, Mr. Johnson of Dallam, Mrs. Rountree, and Mrs. Strong:

H. B. No. 29, A bill to be entitled "An Act providing for conserving the soils of this State and their fertility, and imposing an occupation tax upon

wholesalers as defined herein, of oleomargarine and other substitutes for butter, as defined herein; providing the amount of tax and the time, method and manner of paying the same; providing that the same shall be placed one-fourth to the credit of the available public school fund and the remainder to the credit of the general revenue fund; prescribing the duties of wholesalers and the Comptroller of Public Accounts in reference to payment and collection; providing for the placing of stamps evidencing payment of said tax by affixing the same to the containers of butter substitutes; providing for a report and for penalties for failure to pay the tax; providing offenses, fines, punishment and other penalty; prescribing the effective date hereof, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

#### ADJOURNMENT.

On motion of Mr. Wiggs, the House at 5:10 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The Committee on State Affairs filed a favorable report on House concurrent resolution No. 1.

#### NINTH DAY.

(Friday, July 31, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Bounds.
Adams of Jasper.	Boyd.
Adamson.	Bradley.
Adkins.	Brice.
Akin.	Bryant.
Albritton.	Burns of Walker.
Alsup.	Burns
Baker.	of McCulloch.
Barron.	Carpenter.
Beck.	Caven.
Bedford.	Claunch.
Bond.	Coltrin.

Coombes.	Laird.
Cox of Limestone.	Lasseter.
Cunningham.	Lee.
Dale.	Leonard.
Daniel.	Lilley.
Davis.	Lockhart.
DeWolfe.	Long.
Donnell.	McCombs.
Dowell.	McGill.
Dunlap.	McGregor.
Duvall.	Magee.
Dwyer.	Martin.
Elliott.	Moffett.
Farmer.	Morse.
Farrar.	Murphy.
Ferguson.	Nicholson.
Finn.	Olsen.
Fisher.	Petsch.
Forbes.	Ramsey.
Ford.	Ratliff.
Fuchs.	Ray.
Gilbert.	Reader.
Giles.	Richardson.
Goodman.	Rogers.
Graves.	Rountree.
Greathouse.	Sanders.
Grogan.	Satterwhite.
Hanson.	Savage.
Hardy.	Scott.
Harman.	Shelton.
Harrison	Sherrill.
of El Paso.	Smith of Bastrop.
Harrison	Smith of Wood.
of Waller.	Sparkman.
Hatchitt.	Stephens.
Hefley.	Steward.
Herzik.	Strong.
Hill.	Sullivant.
Hines.	Tarwater.
Holder.	Terrell
Holland.	of Cherokee.
Holloway.	Terrell
Hoskins.	of Val Verde.
Howsley.	Towery.
Hubbard.	Turner.
Hughes.	Van Zandt.
Jackson.	Vaughan.
Johnson	Veatch.
of Dallam.	Wagstaff.
Johnson	Walker.
of Dimmit.	Weinert.
Johnson of Morris.	West of Coryell.
Jones of Shelby.	West of Cameron.
Jones of Atascosa.	Westbrook.
Justiss.	Wiggs.
Keller.	Wyatt.
Kennedy.	Young.

## Absent.

Adams of Harris.	Munson.
Anderson.	O'Quinn.
Brooks.	Patterson.
Cox of Lamar.	Pope.
Lemens.	

## Absent—Excused.

Dodd.	Engelhard.
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Kayton.	Metcalf.
McDougald.	Moore.
Mathis.	Stevenson.
Mehl.	Warwick.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Murphy for last Monday, Tuesday, Wednesday and Thursday, on motion of Mr. Ford.

Mr. Westbrook for yesterday, on motion of Mr. Ford.

Mr. Terrell of Val Verde for today, on motion of Mr. Reader.

Mr. Kayton for today, on motion of Mr. Justiss.

Mr. Boyd and Mr. DeWolfe for the balance of today and tomorrow, on motion of Mr. Ratliff.

Mr. Mehl for today and tomorrow, on motion of Mr. Reader.

Mr. Warwick for today and tomorrow, on motion of Mr. Tarwater.

Mr. Engelhard for today and tomorrow, on motion of Mr. Hoskins.

Mr. Metcalfe and Mr. Burns of McCulloch for today and tomorrow, on motion of Mr. Dowell.

Mr. Holder for today, on motion of Mrs. Strong.

The following members were granted leaves of absence on account of illness:

Mr. Dodd for today and tomorrow, on motion of Mr. Graves.

Mr. Mathis for today and tomorrow, on motion of Mr. Holland.

## HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Caven, Mr. Hubbard, Mr. Brooks, Mr. Johnson of Morris, and Mr. Hines:

H. B. No. 30, A bill to be entitled "An Act creating a closed season on wild deer, buck, doe and fawn for a period of five years in the counties of Harrison, Marion, Red River, Bowie, Cass, Morris and Titus, in the State of Texas; making it unlawful for any

person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years; providing a penalty therefor, and declaring an emergency."

Referred to Committee on Game and Fisheries.

**REQUESTING GOVERNOR STERLING TO SUBMIT THE SUBJECT OF TAXATION.**

Mr. Weinert offered the following resolution:

H. C. R. No. 7, Relative to taxation:

Whereas, In all fields of business and industrial activity there exists economic depression and unemployment possibly surpassing that of any other period in the history of our State and Nation; and

Whereas, The Legislature has been convened in extraordinary session for the purpose of conserving and, in so far as it may be within the power of the lawmaking tribunal, to stimulate profitable development and conservation of our natural resources; and

Whereas, As members thereof we are of the opinion that our tax laws are, in the main, inequitable, discriminatory, and unfair, a menace to the general welfare, and contributory to our financial distress; and

Whereas, Economy in administration of governmental affairs and equity in taxation are each essential to the industrial progress, we need more uniformity in assessed valuation and greater equality in taxation; and

Whereas, It is generally known and admitted that our chief source of wealth is more of an intangible than tangible character; and, as shown of record, the greater part of intangible wealth escapes taxation, thus increasing the burden upon physical property, especially the farms and homes of the masses which cannot shift nor evade their assessments and are forced to carry an overload, which in turn, affects and to a considerable extent impairs and destroys intrinsic value; and

Whereas, Tangible wealth should bear its proper share of the tax burden, but no more, for to tax property irrespective of its ability to earn and pay cannot do otherwise than reduce its intrinsic and commercial value; and

Whereas, Section 1, Article 8, of our State Constitution declares that property shall be taxed in proportion to its value which shall be ascertained as may be provided by law; and, as under this provision of our organic law the Legislature has the power to define "value," this should be done, and this, the final and determining factor in developing taxpaying duty, should not be left to innumerable separate assessing agencies, no two of which work in harmony with each other; and

Whereas, The Forty-second Legislature, in Regular Session, granted a tax moratorium which will expire on October 1, 1931, and admittedly this Act of the Legislature has resulted in considerable temporary relief, due to existing industrial conditions, but there can, nevertheless, be no permanent relief until by courageous effort we wipe from the statute books entirely that provision in our delinquent tax laws which permits those who speculate upon the misfortunes of a considerable part of our population by buying up tax titles, to lay excessive and often confiscatory tribute upon the unfortunate delinquents; and

Whereas, The State should assist and not penalize the delinquents in tax matters, caused frequently by no fault of theirs, by granting to the delinquent a reasonable time in which to redeem, subject to no penalty, minimum costs and a reasonable rate of interest; and

Whereas, The State, in the majesty of its sovereignty, is able to do this, and especially taking into consideration present economic conditions, the State should expressly be magnanimous and liberal with its own people for the sake of its prosperity and existence; and

Whereas, The report and recommendations of the Tax Survey Commission as to the last two preceding Legislatures have been almost entirely ignored; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor submit to the Legislature before more serious damage is done, the question of revising the State's taxation system, including especially the liberalizing of our delinquent tax laws, to the end that at least some of the evils thereof may be speedily remedied.

Signed—Weinert, Barron, Herzik, West of Cameron, Savage, Young, Johnson of Dimmit, Lee, Hubbard, Jones of Atascosa, Kennedy, Hughes, Harrison, Rountree, Graves, Davis, Veatch, Baker, Farmer, Hoskins, Akin, Albritton, Fuchs, Rogers, Cunningham, and Strong.

The resolution was read second time.

Mr. Nicholson moved that the resolution be referred to the Committee on Revenue and Taxation.

On motion of Mr. Weinert, the motion to refer the resolution was tabled.

The resolution was then adopted.

#### EXTENDING CONGRATULATIONS TO HON. Z. E. COOMBES AND WIFE.

Mr. Savage offered the following resolution:

Whereas, Z. E. Coombes, our junior member of the House from Dallas, has been absent; and

Whereas, He has again appeared at his post of duty with an extremely pleasing countenance, proclaiming and ordering that he is to be hereafter recognized as Daddy; therefore be it

Resolved, That we congratulate our member on his rapid recovery, and that we extend our best wishes to William Nelson Coombes II, as he follows in the footsteps of his daddy; be it further

Resolved, That we extend a special invitation to the wife and baby to make us a visit.

SAVAGE,  
HOLDER,  
MCCOMBS,  
KELLER  
HUGHES.

The resolution was read second time, and was adopted unanimously.

#### COMMUNICATION FROM MR. H. F. SINCLAIR.

The Speaker laid before the House, and had read, the following communication:

Tulsa, Okla., July 30, 1931.

Hon. Bailey Hardy, House of Representatives, Austin, Texas.

In the absence of an opportunity to appear before you in connection with the effort you are making to formulate legislation having as its object

improvement of conditions in the oil industry, I beg to submit this summary of my views:

That there is room for improvement, everyone will agree. Differences begin to develop as soon as any group of men—whether they be legislators or oil executives—attempt to write the prescription that is to cure our ills.

You must have been impressed, as I have, with the failure of previous attempts at regulation by law. The argument that what we need is more law does not seem altogether sound. I am rather of the opinion that what we need is better administration of the laws we have and more restraint and better business judgment on the part of those engaged in the industry.

You are called here to enact new legislation because many people are dissatisfied with certain economic conditions. Have we any experience which teaches us that economic conditions can be changed by law? I know of none. I know only of a long history of failures in such attempts, the latest one being the effort to "prorate" the production, marketing and price of wheat.

Looking to the oil industry, the picture is one of over-development and demoralization. Starting with the battle-cry of conservation, we have wound up with futile and misdirected attempts at this thing called "proration." Has stability been achieved? Has order been established? Has over-development been stopped? Is the producer or the State getting a fair return? The answer to all of these questions is "No!"

I have read several of the measures that are proposed for adoption here, but there are so many of them and they vary so greatly that it is impossible to discuss them in detail even if I were disposed to do so. I can deal only with general principles.

One of the most persistent ideas expressed in these bills and reiterated by some of the witnesses who have appeared before you is that a commission—new or old—should be given sweeping power to exercise its own arbitrary judgment as to the production of oil, not only as to the total allowable but as to the allocation of production as between fields.

I am opposed to such a procedure for the reason that it attempts to

overcome the natural advantages of one field as compared to another; because it empowers a commission to destroy property rights; because it could be and has been used to perpetuate the advantage of one producer as against another; because it is artificial and arbitrary; because it would substitute political and theoretical control for the free play of the forces that always have, and I believe always will, control the production of such a commodity as oil.

It is quite a different thing to empower a commission to fix allowable production in accordance with the actual market demand for oil from a given field not an arbitrarily determined market demand based on the nominations of pipe line companies, but the demand that arises from the desire of a willing seller to dispose of his product to a willing buyer.

In my opinion, one of the things that caused the breakdown of what is termed proration was the attempt to force the taking of oil from certain fields to the disadvantage of other fields. This attempt is bound to arise because naturally those who have developed and made a big investment in one area will seek by every means in their power to prevent some other area from taking the market. This is neither fair nor reasonable—the buyer should be free to go where it is to his best advantage to go. There was no justice or reason in attempting to deprive East Texas of a market which belonged to it by reason of geographical location of the field and the quality of oil produced there. If a customary or pre-existing source of raw material supply suffers by the discovery of new sources, there is no sense in attempting to overcome this natural and normal development by restrictive laws or orders.

The State of Texas already has a statute prohibiting waste. If there are not adequate means for the enforcement of this law, I believe it would be wise to provide the means for effective enforcement.

The State of Texas has a common purchaser act which requires ratable taking and prevents discriminations as between the properties of owned or affiliated companies and others not affiliated with the common carrier. This, too, is a good law which should be enforced.

If both of these laws were in effective operation, what more could be done or should be done to bring about order in the oil industry?

The answer is that we should stop the drill; there is nothing in the bills that I have read that goes to the real evil of the present situation. Not only is this true but in the orders that have been issued recently affecting East Texas there is actually a premium put upon over-drilling. Slow up the drill and you have solved the problem of overproduction! Continue to permit over-development and then seek to dam it up by law, and I believe you will continue to meet failure in your efforts toward conservation! Some application of unit operation contains far more promise of success than any effort based upon the fixing of imaginary potentials of production with arbitrary allowables based there.

To sum up my views, I am in favor of the elimination of waste in the production of oil; I am in favor of the determination of allowable production in accordance with market demand, providing that market demand is not arbitrarily fixed to favor one field as against another. I am against conferring arbitrary powers upon any commission for the purpose of attempting to enable any body of men to overcome economic laws and the natural, normal trend of the production of oil. Such an attempt, in my opinion, is foredoomed to failure.

H. F. SINCLAIR,

Chairman, Sinclair Consolidated Oil Corporation.

#### COMMUNICATION FROM MR. CARL ESTES.

On motion of Mr. Magee, the following communication was ordered printed in the Journal:

Rochester, Minn., July 29, 1931.

Senator Thomas G. Pollard, Senate Chamber, Austin, Texas.

This morning I was informed that Representative Walter Beck insinuated Tuesday that I had "ran away" from the oil investigation. As you know, his insinuation is very unkind and wholly without foundation, as I left Austin a sick man. Two weeks ago I left there, despite the fact that Dr. Thomas, in the Norwood building,

tried to persuade me to go immediately to a hospital there in Austin at the time. I went to California with my wife, hoping that with a little rest and recuperation, I would be able to escape the hospital, but continued to suffer, so resigned myself to coming back here to Mayo's for the eleventh time. This morning I telephoned Representative Bailey W. Hardy, chairman of the investigating committee in the House, and offered to return to Texas by airplane if he so desired, but he very kindly advised me to remain here in the clinic. After learning of Mr. Beck's insinuation, I immediately asked for a conference with my doctors with a view to coming on regardless of any physical risk I might incur, and they insisted that I remain here. Senator, if there is a human in either House who desires to ask me a question on the subject under investigation, please have them do so by wire at my expense, and it will be cheerfully answered. In the meantime, if you think it necessary for me to return there to protect myself from malicious shafts, by all means advise me at once, and I'll come, even if I thought it would kill me. Please answer at once. Your friend,

CARL ESTES,  
Mayo Clinic, Rochester, Minn.

#### HOUSE BILL NO. 23 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 23, A bill to be entitled "An Act providing for the leasing of the river bed of the Sabine River for oil and gas, authorizing the Governor, Land Commissioner and Attorney General to negotiate and execute leases either with or without drilling obligations; providing for the disposition of funds derived from such leases; providing for certain appropriations and for things necessary and incidental thereto, and declaring an emergency."

The bill was read second time.

Mr. Keller offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 23, Section 5, by inserting "at least" before the words "one-eighth."

(2)

Amend House bill No. 23, page 2, by striking out the words "highest degree" in line 20 and insert in lieu thereof the words "reasonable degree."

The amendments were severally adopted.

House bill No. 23 was then passed to engrossment.

#### HOUSE BILL NO. 23 ON THIRD READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

Adams of Jasper.	Harrison
Adamson.	of El Paso.
Akin.	Herzik.
Albritton.	Hill.
Alsup.	Hines.
Baker.	Holder.
Barron.	Holland.
Beck.	Hoskins.
Bedford.	Howsley.
Bond.	Hubbard.
Bounds.	Hughes.
Brice.	Jackson.
Brooks.	Johnson
Bryant.	of Dallam.
Burns of Walker.	Johnson
Carpenter.	of Dimmit.
Claunch.	Johnson of Morris.
Coltrin.	Jones of Shelby.
Coombes.	Jones of Atascosa.
Cunningham.	Justiss.
Dale.	Keller.
Davis.	Kennedy.
Donnell.	Laird.
Dowell.	Lasseter.
Dunlap.	Lee.
Dwyer.	Leonard.
Elliott.	Lilley.
Farmer.	Lockhart.
Farrar.	Long.
Finn.	McGill.
Fisher.	McGregor.
Forbes.	Magee.
Ford.	Moffett.
Fuchs.	Morse.
Gilbert.	Murphy.
Giles.	Nicholson.
Goodman.	Olsen.
Graves.	Petsch.
Grogan.	Ramsey.
Hanson.	Ratliff.
Hardy.	Ray.
Harman.	Richardson.

Rogers.	Terrell
Rountree.	of Cherokee.
Sanders.	Towery.
Satterwhite.	Turner.
Savage.	Vaughan.
Scott.	Veatch.
Shelton.	Wagstaff.
Sherrill.	Walker.
Smith of Bastrop.	Weinert.
Sparkman.	West of Coryell.
Stephens.	West of Cameron.
Steward.	Westbrook.
Strong.	Wiggs.
Tarwater.	Wyatt.
	Young.

## Absent.

Adams of Harris.	Hefley.
Adkins.	Holloway.
Anderson.	Lemens.
Caven.	McCombs.
Cox of Lamar.	Martin.
Cox of Limestone.	Munson.
Daniel.	O'Quinn.
Duvall.	Patterson.
Ferguson.	Pope.
Greathouse.	Reader.
Hatchitt.	Smith of Wood.
Harrison	Sullivant.
of Waller.	Van Zandt.

## Absent—Excused.

Boyd.	Mathis.
Bradley.	Mehl.
Burns	Metcalfe.
of McCulloch.	Moore.
DeWolfe.	Stevenson.
Dodd.	Terrell
Englehard.	of Val Verde.
Kayton.	Warwick.
McDougald.	

The Speaker then laid House bill No. 23 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—102.

Adams of Jasper.	Coombes.
Adamson.	Cox of Limestone.
Akin.	Cunningham.
Albritton.	Dale.
Alsup.	Daniel.
Baker.	Davis.
Barron.	Donnell.
Beck.	Dowell.
Bedford.	Dunlap.
Bounds.	Dwyer.
Brice.	Elliott.
Brooks.	Farmer.
Bryant.	Farrar.
Carpenter.	Finn.
Claunch.	Fisher.
Coltrin.	Forbes.

Ford.	Lockhart.
Fuchs.	Long.
Gilbert.	McGill.
Giles.	McGregor.
Goodman.	Magee.
Graves.	Moffett.
Grogan.	Morse.
Hanson.	Munson.
Hardy.	Murphy.
Harman.	Olsen.
Harrison	Petsch.
of El Paso.	Ramsey.
Hatchitt.	Ratliff.
Herzik.	Ray.
Hill.	Richardson.
Hines.	Rogers.
Holder.	Rountree.
Holland.	Savage.
Hoskins.	Scott.
Howsley.	Smith of Bastrop.
Hubbard.	Sparkman.
Hughes.	Stephens.
Jackson.	Steward.
Johnson	Strong.
of Dallam.	Sullivant.
Johnson	Terrell
of Dimmit.	of Cherokee.
Johnson of Morris.	Towery.
Jones of Shelby.	Turner.
Jones of Atascosa.	Vaughan.
Justiss.	Veatch.
Keller.	Wagstaff.
Kennedy.	Walker.
Laird.	West of Coryell.
Lasseter.	West of Cameron.
Lee.	Westbrook.
Leonard.	Young.
Lilley.	

## Nays—3.

Holloway.	Wiggs.
Nicholson.	

## Absent.

Adams of Harris.	Martin.
Adkins.	O'Quinn.
Anderson.	Patterson.
Burns of Walker.	Pope.
Caven.	Reader.
Cox of Lamar.	Sanders.
Duvall.	Satterwhite.
Ferguson.	Shelton.
Greathouse.	Sherrill.
Harrison	Smith of Wood.
of Waller.	Tarwater.
Hefley.	Van Zandt.
Lemens.	Weinert.
McCombs.	Wyatt.

## Absent—Excused.

Bond.	Dodd.
Boyd.	Engelhard.
Bradley.	Kayton.
Burns	McDougald.
of McCulloch.	Mathis.
DeWolfe.	Mehl.

Metcalf.  
Moore.  
Stevenson.

Terrell  
of Val Verde.  
Warwick.

# HOUSE BILL NO. 12 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, salt water, and certain other substances in or on any stream, water course or other body of water of this State; providing that salt water may be discharged into the tidal waters of this State, and that sulphur water, when so treated that it is not harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State; providing for the enforcement of this act, disposition of fines, and fees of the arresting officer; and providing that it shall be cumulative of all other laws on this subject, and declaring an emergency."

The bill was read second time.

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 12 by adding at the end of Section 1 the following:

"Provided further, that salt water may be discharged when the stream, water course or other body of water into which it shall flow is at a flood stage of at least five feet above the normal tide."

PETSCH,  
MORSE.

The amendment was adopted.

Mr. Burns of Walker offered the following (committee) amendment to the bill:

Amend House bill No. 12 by inserting after the word "partnership" where the same occurs the second time in Section 2, the following: "or any receiver for such corporation, firm, association or partnership, or any person acting for any such persons."

The amendment was adopted.

Mr. Farrar offered the following amendment to the bill:

Amend House bill No. 12 by striking out the word "sulphur" wherever it occurs.

The amendment was lost.

Mr. Reader offered the following amendment to the bill:

Amend House bill No. 12, Section 1, line 22, by inserting after the word "wastes:" "human excreta," and in line 24, after the word "wastes:" "human excreta," and in line 27 after the word "wastes," the words "human excreta."

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend House bill No. 12 by striking out in lines 3 and 2 "fees of arresting officer."

The amendment was lost.

Mr. Farrar offered the following amendment to the bill:

Amend House bill No. 12, page 2, by striking out the words "special game" and insert in lieu thereof the word "general."

Mr. Ratliff moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Farrar, it was lost.

House bill No. 12 was then passed to engrossment.

# HOUSE BILL NO. 12 ON THIRD READING.

Mr. Burns of Walker moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84.

Mr. Speaker.	Elliott.
Adams of Jasper.	Ferguson.
Adkins.	Finn.
Alsup.	Fisher.
Baker.	Forbes.
Barron.	Ford.
Beck.	Fuchs.
Bounds.	Giles.
Burns of Walker.	Goodman.
Carpenter.	Graves.
Caven.	Greathouse.
Claunch.	Grogan.
Coltrin.	Hardy.
Cox of Limestone.	Harman.
Daniel.	Herzik.
Donnell.	Hines.
Dowell.	Holland.
Dunlap.	Holloway.
Duvall.	Howsley.
Dwyer.	Hubbard.



Hughes.	Ray.
Jackson.	Reader.
Johnson	Richardson.
of Dallam.	Rogers.
Johnson	Rountree.
of Dimmit.	Satterwhite.
Johnson of Morris.	Savage.
Jones of Shelby.	Scott.
Jones of Atascosa.	Shelton.
Justiss.	Smith of Bastrop.
Keller.	Sparkman.
Kennedy.	Stephens.
Laird.	Strong.
Lee.	Terrell.
Leonard.	of Cherokee.
Lilley.	Turner.
Lockhart.	Vaughan.
McGregor.	Veatch.
Martin.	Wagstaff.
Moffett.	Walker.
Murphy.	Weinert.
Olsen.	West of Coryell.
Petsch.	Young.
Ratliff.	

## Nays—16.

Adamson.	Hanson.
Akin.	Lasseter.
Albritton.	Long.
Cunningham.	Nicholson.
Farmer.	Sherrill.
Farrar.	Smith of Wood.
Gilbert.	Steward.
Hatchitt.	Towery.

## Absent.

Adams of Harris.	Lemens.
Anderson.	McCombs.
Bedford.	Magee.
Brice.	McGill.
Brooks.	Morse.
Bryant.	Munson.
Coombes.	O'Quinn.
Cox of Lamar.	Patterson.
Dale.	Pope.
Davis.	Ramsey.
Harrison	Sanders.
of El Paso.	Sullivant.
Harrison	Tarwater.
of Waller.	Van Zandt.
Hefley.	West of Cameron.
Hill.	Westbrook.
Holder.	Wiggs.
Hoskins.	Wyatt.

## Absent—Excused.

Bond.	McDougald.
Boyd.	Mathis.
Bradley.	Mehl.
Burns	Metcalfe.
of McCulloch.	Moore.
DeWolfe.	Stevenson.
Dodd.	Terrell
Englehard.	of Val Verde.
Kayton.	Warwick.

The Speaker then laid House bill No. 12 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## HOUSE BILL NO. 21 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act amending Section 5 of Chapter 15, Local and Special Laws, Acts of Second Called Session, Forty-first Legislature, relating to the creation of the Brazos River Conservation and Reclamation District and the establishment of the boundaries thereof; reappropriating for said purpose the unexpended balance of \$20,000 appropriated for said purpose by Chapter 35, etc., and declaring an emergency."

The bill was read second time.

Mr. Turner offered the following amendment to the bill:

Amend House bill No. 21 by adding after the word "watershed" in line 39, the following: "With the exception of any area that may be embraced within the boundaries of Freestone, Leon and Madison counties."

TURNER,  
STEWARD.

The amendment was adopted.

(Mr. McGill in the chair.)

Mrs. Rountree offered the following amendment to the bill:

Amend House bill No. 21, page 1, by striking out all of the sentence commencing with the word "reference" on line 28 and ending with the word "collected" in line 33.

The amendment was adopted.

Mr. Turner offered the following amendment to the bill:

Amend House bill No. 21 by inserting after the word "engineers" in line 28 the following: "except the counties of Freestone, Leon and Madison."

STEWARD,  
TURNER.

The amendment was adopted.

House bill No. 21 was then passed to engrossment.

HOUSE BILL NO. 21 ON THIRD  
READING.

Mrs. Rountree moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 21 be placed on its third reading and final passage:

The motion prevailed by the following vote:

## Yeas—100.

Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Adkins.	Jones of Atascosa.
Albritton.	Justiss.
Alsup.	Keller.
Baker.	Kennedy.
Barron.	Laird.
Bedford.	Lee.
Bounds.	Leonard.
Brice.	Lilley.
Bryant.	Lockhart.
Burns of Walker.	Long.
Carpenter.	McCombs.
Claunch.	McDougald.
Coltrin.	McGill.
Cunningham.	McGregor.
Dale.	Magee.
Daniel.	Martin.
Donnell.	Moffett.
Dowell.	Morse.
Dunlap.	Murphy.
Dwyer.	Nicholson.
Elliott.	Olsen.
Farrar.	Petsch.
Finn.	Ramsey.
Forbes.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Giles.	Richardson.
Goodman.	Rountree.
Graves.	Sanders.
Greathouse.	Savage.
Grogan.	Shelton.
Hanson.	Sherrill.
Hardy.	Smith of Bastrop.
Harman.	Smith of Wood.
Harrison	Sparkman.
of Waller.	Stephens.
Hatchitt.	Steward.
Herzik.	Strong.
Hill.	Terrell
Hines.	of Cherokee.
Holder.	Terrell
Holland.	of Val Verde.
Holloway.	Towery.
Howsley.	Turner.
Hubbard.	Wagstaff.
Hughes.	Walker.
Jackson.	Weinert.
Johnson	West of Cameron.
of Dallam.	Westbrook.
Johnson	Wyatt.
of Dimmit.	Young.

## Nays—6.

Akin.	Fisher.
Cox of Limestone.	Vaughan.
Farmer.	Veatch.

## Absent.

Adams of Harris.	Lasseter.
Anderson.	Lemens.
Beck.	Munson.
Brooks.	O'Quinn.
Caven.	Patterson.
Coombes.	Pope.
Cox of Lamar.	Rogers.
Davis.	Satterwhite.
Duvall.	Scott.
Ferguson.	Sullivant.
Gilbert.	Tarwater.
Harrison	Van Zandt.
of El Paso.	West of Coryell.
Hefley.	Wiggs.
Hoskins.	

## Absent—Excused.

Bond.	Kayton.
Boyd.	Mathis.
Bradley.	Mehl.
Burns	Metcalf.
of McCulloch.	Moore.
DeWolfe.	Stevenson.
Dodd.	Warwick.
Engelhard.	

The Speaker then laid House bill No. 21 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—100.

Adams of Jasper.	Fuchs.
Adamson.	Giles.
Adkins.	Goodman.
Albritton.	Graves.
Alsup.	Greathouse.
Barron.	Grogan.
Bedford.	Hanson.
Bounds.	Hardy.
Brice.	Harman.
Bryant.	Harrison
Burns of Walker.	of El Paso.
Carpenter.	Harrison
Claunch.	of Waller.
Coltrin.	Hatchitt.
Cunningham.	Herzik.
Dale.	Hill.
Daniel.	Hines.
Donnell.	Holder.
Dowell.	Holland.
Dunlap.	Holloway.
Dwyer.	Howsley.
Elliott.	Hubbard.
Farrar.	Hughes.
Finn.	Jackson.
Forbes.	Johnson
Ford.	of Dallam.

Johnson	Reader.
of Dimmit.	Richardson.
Johnson of Morris.	Rountree.
Jones of Shelby.	Savage.
Jones of Atascosa.	Shelton.
Justiss.	Sherrill.
Keller.	Smith of Bastrop.
Kennedy.	Smith of Wood.
Lee.	Sparkman.
Leonard.	Stephens.
Lilley.	Steward.
Lockhart.	Strong.
Long.	Tarwater.
McCombs.	Terrell
McGill.	of Cherokee.
McGregor.	Terrell
Magee.	of Val Verde.
Martin.	Towery.
Moffett.	Turner.
Morse.	Wagstaff.
Murphy.	Walker.
Nicholson.	Weinert.
Olsen.	West of Coryell.
Petsch.	West of Cameron.
Ramsey.	Westbrook.
Ratliff.	Wyatt.
Ray.	Young.

Nays—8.

Akin.	Fisher.
Baker.	Hefley.
Cox of Limestone.	Vaughan.
Farmer.	Veatch.

Present—Not Voting.

Satterwhite.

Absent.

Adams of Harris.	Lasseter.
Anderson.	Lemens.
Beck.	Munson.
Brooks.	O'Quinn.
Caven.	Patterson.
Coombes.	Pope.
Cox of Lamar.	Rogers.
Davis.	Sanders.
Duvall.	Scott.
Ferguson.	Sullivant.
Gilbert.	Van Zandt.
Hoskins.	Wiggs.
Laird.	

Absent—Excused.

Bond.	Kayton.
Boyd.	McDougald.
Bradley.	Mathis.
Burns	Mehl.
of McCulloch.	Metcalf.
DeWolfe.	Moore.
Dodd.	Stevenson.
Engelhard.	Warwick.

Paired.

Mr. Satterwhite (present), who would vote "aye," with Mr. Ferguson (absent), who would vote "nay."

# REPORT OF COMMITTEE TO INVESTIGATE CERTAIN OFFICERS.

The Speaker laid before the House, for consideration at this time, the following report of the committee appointed during the Regular Session of the Forty-second Legislature, to investigate the various officers of the State:

Committee Room,  
Austin, Texas, July 30, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives, Austin, Texas.

Sir: Pursuant to House concurrent resolution No. 58, adopted at the Regular Session of the Forty-second Legislature, we, the following members appointed to a committee by the Speaker of the House and by the President of the Senate, beg leave to make this report to the Honorable House of Representatives concerning our findings with reference to the matters hereinafter set forth, the personnel of your said committee being Grady Woodruff and Carl C. Hardin, on the part of the Senate, and Harry N. Graves, Phil L. Sanders and J. Turney Terrell, on the part of the House. Having been previously organized, this committee has met on numerous occasions with the committee organized and acting by virtue of Senate simple resolution No. 123, adopted by the Senate of Texas at the Regular Session of the Forty-second Legislature, said two committees working jointly in pursuance of their several duties. Among other matters inquired into, we have considered the enormous sums of money that have been and are being paid out of the Treasury of the State of Texas to various departments, agencies and officials of this State. The State Auditor, the Attorney General, the Adjutant General, and the Comptroller, through their various departmental machinery, have co-operated with your committee in their examination of certain claims paid out of the State Treasury upon the approval of sheriff's accounts to the elected and acting sheriffs of certain counties comprising part of the Twenty-first Judicial District, of which J. B. Price is the presiding judge, and which sheriff's accounts so paid out of the State Treasury were approved by the said J. B. Price, and in this

connection we desire to direct your attention to Sections 3 and 4, Article 1036, of the Code of Criminal Procedure of the State of Texas, which sections read as follows:

"Section 3. Before the close of each term of the district court, the witness shall make affidavit stating the number of miles he will have traveled going to and returning from the court, by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case. No witness shall receive pay for his services as a witness in more than one case at any one term of court. Fees shall not be allowed to more than two witnesses to the same fact, unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause; nor shall any witness recognized or attached for the purpose of proving the general character of the defendant, be entitled to the benefits hereof."

"Section 4. The district or criminal judge, when any such bill is presented to him, shall examine the same carefully and inquire into the correctness thereof and approve the same, in whole or in part, or disapprove the entire bill, as the facts and law may require; and said bill with the action of the judge thereon, shall be entered on the minutes of the said court; and immediately on the rising of said court, the clerk thereof shall make a certified copy from the minutes of said court of said bill, and the action of the judge thereon, and send the same by registered letter to the Comptroller, for which service the clerk shall be entitled to a fee of 25 cents, to be paid by the witness."

This committee finds that the said J. B. Price, while presiding as the judge of Judicial District No. 21, has, through his negligence and/or incompetence and/or official misconduct, failed to comply with the terms and provisions of the above sections of Article 1036 of the Code of Criminal Procedure of the State of Texas, in that he has not and did not examine and inquire carefully into the correctness of the various accounts presented to him for his official approval or disapproval by the sheriffs of Burleson, Lee and Bastrop counties, respectively, said counties constituting

a part of the Twenty-first Judicial District of Texas. The committee finds to the contrary that said J. B. Price, as district judge, has knowingly, intentionally and unlawfully approved accounts of the aforesaid sheriffs, when said accounts and the said approval of them were so made and so approved purportedly in compliance with the laws of this State, but which accounts were demands upon the State of Texas for fees for service purported to have been performed, which in truth and in fact were never performed, and which fees were far in excess of those allowed by law for such services had they been rendered as represented in said accounts.

This committee further finds that the said J. B. Price, through his official misconduct, has omitted and committed certain acts as hereinafter set forth in violation of Article 1036 of the Code of Criminal Procedure, which article in substance provides "that there shall be no witness fees paid to any witness out of the State Treasury of this State unless said witnesses reside out of and beyond the limits of the county in which there is tried a felony case in this State, and until after either the county or district attorney, or the defendant or his counselor, has made sworn application in writing to the district clerk that the testimony of the witness is material. And the law further provides that before the close of each term of the district court the witness or witnesses residing out of the county where said cause is tried, after being subpoenaed to appear as a witness, and after appearing in obedience to said subpoena, shall make affidavit stating the number of miles he will have traveled going to and returning from the court by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers in the case. The law further provides that no witness shall receive pay for his services as a witness in more than one case at any one term of court. The law further provides that fees shall not be allowed to more than two witnesses to the same fact unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause;

nor shall any witness recognized or attached for the purpose of approving the general character of the defendant be entitled to the benefit of any fee."

This committee finds further that the said J. B. Price violated the terms and provisions of Section 4 of Article 1036, of the Code of Criminal Procedure of Texas, by negligently and/or carelessly and/or unlawfully signing and approving and affixing his signature thereto, in blank witness accounts and certificates used and to be used in Lee county. This committee finds that before any witnesses in causes pending in said Twenty-first Judicial District, and while the said J. B. Price was acting as district judge, had been applied on sworn application of the county or district attorney, or by a defendant or his attorney, and before any subpoena or process has been issued by the district clerk of Lee county, and without any witnesses having appeared, either by subpoena or attachment, and without any witnesses having been recognized by said court, the said J. B. Price affixed his signature to a certificate, the form of which complies with Article 1036, Code of Criminal Procedure, and which said form had been in continuous use in said district during the years of 1927 to 1930, inclusive, and that by reason thereof said J. B. Price signed many witness certificates in blank, thereby certifying that said witnesses had appeared and been recognized, when the facts are that there had been no such witnesses recognized, the said J. B. Price thereby certifying to facts, matters, circumstances and conditions which did not exist. Such action and conduct on the part of said J. B. Price is contrary to and in violation of the laws of this State.

This committee further finds that the said J. B. Price, while acting in his official capacity as district judge of the Twenty-first Judicial District of Texas, through his negligence and/or incompetence and/or official misconduct, wrongfully approved and caused his official signature to be affixed to accounts presented to him by the several clerks and sheriffs within said Twenty-first Judicial District, which said accounts were in violation of law and were prohibited by the Constitution of this State, and in particular in his approval of a certain account presented to him by

the sheriff of Burleson county, Texas, for fees purported to be due him for the transportation of a certain six prisoners from Dallas county, Texas, to the county jail of Caldwell, Burleson county, Texas, when in fact the said sheriff of Burleson county, Texas, arrested and so transported only two such prisoners, notwithstanding which fact approved the account of the said sheriff of Burleson county, Texas, for the arrest and transportation of six such prisoners, when he, the said J. B. Price, knew or should have known that said account was a fraudulent and unlawful demand upon the Treasury of the State of Texas.

This committee further finds that at various times the said J. B. Price, acting as judge of said Judicial District, has recognized witnesses who had been theretofore subpoenaed to be and appear as such in criminal causes pending in said court. After having so recognized said witnesses in open court, said J. B. Price, acting as district judge, has charged said witnesses with the duty of informing themselves of the date when said causes, or any of them, in which said witnesses had been subpoenaed to appear, would be called for trial, and that it would be the duty of said witnesses to appear on said date without being subpoenaed for such purpose, and that thereafter the said J. B. Price has approved the sheriff's account for fees purported to be due to him by the State for services of additional process on each of said witnesses issued by the district clerk, which purported services were never performed by said sheriff and the claims of said sheriff for a fee therefor were fraudulently made, and the said J. B. Price knew or by the use of ordinary care and diligence could have known said claims were fraudulent.

This committee further finds that the said J. B. Price negligently and wrongfully approved a certain account of the sheriff of Burleson county, Texas, for fees claimed by said sheriff for having traveled 1600 miles on two consecutive days in making each of three arrests and taking into custody each of three separate prisoners, which said claim was for fees for a total mileage of 4800 miles purported to have been traveled by said sheriff in said two days. This committee finds that said three ar-

rests were made in the same place on the same day, and said three persons so arrested were transported to the Burleson county jail in the same car, and the said J. B. Price approved the said accounts of the sheriff for said services in an amount of \$1550 in excess of the amount allowed by law, and this committee says that the said J. B. Price knew or by the use of ordinary care and diligence could have known that said account so approved by him was unlawful and a fraud upon the State of Texas.

This committee finds that the specific instances of the negligence and/or official misconduct of the said J. B. Price as herein set forth are typical of numerous other similar instances so numerous as to indicate a common practice and system of the fraudulent collection from the State of fees by the several sheriffs of Burleson, Lee and Bastrop counties, and that the State has thereby been defrauded of thousands of dollars paid out of its Treasury upon accounts negligently and wrongfully approved by the said J. B. Price, all of which facts and circumstances were known, or by his use of ordinary care and diligence could have been known, to the said J. B. Price.

This report is being made to your Honorable House of Representatives for such action as it may, in its wisdom, deem proper, on this the 30th day of July, A. D. 1931.

GRAVES,  
Chairman;  
SANDERS,  
Secretary;  
TERRELL,  
HARDIN,  
WOODRUFF,

Committee Room,  
Austin, Texas, July 31, 1931.

To the Legislature of Texas, First  
Called Session of the Forty-second,  
Austin, Texas.

Gentlemen: Pursuant to Simple resolution No. 123, adopted by the Senate of Texas at its Regular Session of the Forty-second Legislature, on the 28th day of April, A. D. 1931, we, the following members appointed by the Hon. Edgar E. Witt, Lieutenant Governor of Texas, to act as a Senate Investigating Committee with authority to inquire into and investigate the various officers and various departments of this State, beg leave

to make this preliminary report to the Legislature of Texas, that one Judge J. B. Price, the now duly elected and acting district judge of the Twenty-first Judicial District of Texas be investigated as to his judicial acts.

Said committee being as follows: Senator J. W. E. H. Beck, chairman; Senator Carl C. Hardin, vice-chairman; Senator George Purl, attorney for the committee, and Senators Joe Moore and Tom DeBerry.

After the completion of the organization of the committee, we immediately began to inquire and started our investigation with reference to the various departments and officials of the State. Also inquired into and examined the correctness or incorrectness of the enormous sums of money being paid out annually from the State Treasury of this State to the various departments, officers, judges and officials of this State, and, pursuant thereto, working with the State Auditor, Attorney General, Adjutant General, and Comptroller, we find thousands of dollars have been paid out of the State Treasury upon the approval of sheriffs' accounts, elected and acting as sheriffs in the three counties comprising part of the Twenty-first Judicial District, in which counties Judge J. B. Price, presiding as district judge, approves the accounts of said sheriffs. And we call your attention to Article 1036, Sections 3 and 4, of the Code of Criminal Procedure of the State of Texas, which sections are as follows:

"Section 3. Before the close of each term of the district court, the witness shall make affidavit stating the number of miles he will have traveled going to and returning from the court, by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case. No witness shall receive pay for his service as a witness in more than one case at any one term of the court. Fees shall not be allowed to more than two witnesses to the same fact, unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause; nor shall any witness recognized or attached for the purpose of proving the general character of the defendant, be entitled to the benefits hereof."

"Section 4. The district or criminal judge, when any such bill is presented to him, shall examine the same carefully, and inquire into the correctness thereof and approve the same in whole or in part or disapprove the entire bill, as the facts and law may require; and said bill with the action of the judge thereon, shall be entered on the minutes of the said court; and immediately on the rising of said court, the clerk thereof shall have a certified copy from the minutes of said court of said bill, and the action of the judge thereon, and send the same by registered letter to the Comptroller, for which service the clerk shall be entitled to a fee of 25 cents, to be paid by the witness."

This committee finds that Judge J. B. Price is guilty of neglect of his duty enjoined upon him by the laws of this State, as will be more fully shown in this report; that he is incompetent, and is guilty of official misconduct, as will be fully stated and shown later on in this report; that as such district judge he has not complied with Article 1036 of the Code of Criminal Procedure of the State of Texas, as herein above quoted, wherein it relates to the duties of the district judge in this, to-wit: That he has not, and did not, carefully examine and inquire into the correctness of the various accounts presented to him for approval or disapproval of the sheriffs in Burleson, Lee and Bastrop counties, same being three of the counties and constituting a part of the Twenty-first Judicial District of Texas, in which Judge J. B. Price, is acting, and has been acting, as district judge, but the committee finds that to the contrary said district judge has knowingly, wilfully and unlawfully approved accounts of sheriffs in the above-stated counties that did not comply with the laws of this State, but that did make extorsive demands upon the State for fees that were duplications for fees purporting to be for services that in truth and in fact were never performed, and for fees far in excess of those allowed by law.

The committee further finds that the said Judge J. B. Price is guilty of official misconduct, omission and commission, in connection with the duties enjoined upon him by the Constitution and laws of this State, in this, to-wit:

"Article 1036 of the Code of Criminal Procedure provides, in substance, that there shall be no witness fees paid to any witnesses out of the State Treasury of this State, unless said witnesses reside out of and beyond the limits of the county in which there is tried a felony case in this State, and until after either the county or district attorney, or the defendant or his counsellor, has made sworn application in writing to the district clerk that the testimony of the witness is material. And the law further provides that before the close of each term of the district court the witness or witnesses residing out of the county where said cause is tried, after being subpoenaed to appear as a witness, and after appearing in obedience to said subpoena shall make affidavit stating the number of miles he will have traveled going to and returning from the court by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of the trial, which affidavit shall be filed with the papers in the case. The law further provides that no witness shall receive pay for his services as a witness in more than one case at any one term of court. The law further provides that fees shall not be allowed to more than two witnesses to the same fact unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause; nor shall any witness recognized or attached for the purpose of approving the general character of the defendant be entitled to the benefit of any fee."

As stated before in this report, the committee again directs your attention to Section 4 of Article 1036 of the Code of Criminal Procedure, wherein it is provided that the district or criminal district judge, when any such bill for fees allowable to witnesses is presented to him, he shall examine the same carefully and inquire into the correctness thereof, and approve the same in whole or in part, or disapprove the entire bill as the facts and the law may require, and that said bill, and the action of the judge thereon, shall be entered on the minutes of the district court. The law further provides that thereafter on the rising of the court, the clerk of said court shall make a cer-

tified copy from the minutes of said court of said bill, and the action of the judge thereon, and send same by registered letter to the Comptroller, for which services the clerk shall be entitled to fee of 25 cents, to be paid by the witness.

As previously stated, the committee finds that Judge J. B. Price did not comply with the provisions of the law as hereinabove quoted, but to the contrary willfully, negligently, carelessly and unlawfully signed and approved, by affixing his signature thereto, blank witness account and certificates being used in Lee county. In this connection the committee finds that before any witnesses had been applied for on sworn application by the county or district attorney, or the defense or his attorney, and before any subpoena or process had been issued by the clerk of Lee county, and without any witnesses having appeared either by subpoena or attachment, and without any witnesses having been recognized by said court, the said Judge J. B. Price affixed his signature to a certificate, the form of which complies with Article 1036 of the Code of Criminal Procedure and which said form had been in continuous use during the years 1927 up to and including the year 1930, and that by reason thereof said judge signed many witness certificates in blank, certifying that certain witnesses had appeared and been recognized, when in truth and in fact there had been no witnesses recognized, and said conduct and action on the part of the judge was in truth and in fact a certificate of matters and things, facts and circumstances, which did not exist, such conduct and action on the part of said Judge J. B. Price was contrary to and in violation of the Constitution and laws of this State.

The committee further reports, as hereinabove stated, the said Judge J. B. Price, while acting as district judge of the Twenty-first Judicial District of Texas, was guilty of official misconduct, incompetency and carelessness, and was guilty further of unlawful neglect of his duty in the following instances and manner, to-wit:

Bearing in mind the duties imposed on the said Judge J. B. Price, as set out heretofore in this report, approved and caused his official signature to be affixed to accounts presented to him by the clerks and sher-

iffs within his Judicial District, which said accounts were in violation of the law and were prohibited by the Constitution, and were illegal and unlawful. In this connection, the committee reports the said Judge J. B. Price was careless in the approval of the accounts just mentioned in that he did not inquire into the truthfulness and correctness of said accounts, and did not exercise and carry out his duties, as required of him under the law, to make a careful and thorough investigation of whether the accounts were lawful or authorized by law.

The committee reports that the said Judge J. B. Price approved one certain account presented to him by the sheriff of Burleson county, Texas, which said account set out in terms and figures to entitle said sheriff of Burleson county, Texas, for fees alleged to be allowed him for the transportation of six prisoners from Dallas county, Texas, to the county jail located at Caldwell, Burleson county, Texas, when in truth and in fact the said sheriff of Burleson county, Texas, did not arrest but only two prisoners and did not actually transport but two prisoners. Under this state of facts, the said Judge J. B. Price approved the account presented to him by the sheriff of Burleson county, Texas. Had the said Judge J. B. Price performed the duties imposed upon him by law, and had the said Judge J. B. Price inquired into the correctness and truthfulness of said particular account, he would have known that the same was illegal and unlawful demand upon the Treasury of the State of Texas.

The committee further reports that Judge J. B. Price has on several occasions within the Judicial District recognized witnesses who were subpoenaed to appear in criminal causes pending in his court. When they came there in obedience to the process issued by the clerk of his court, he told them to watch the papers and stay in touch with the court and be there to appear in court when certain causes were again called for trial, and that they would not be resubpoenaed and, thereafter, in succeeding terms after said witnesses had received this information from the court, in many instances he has approved the sheriffs' accounts wherein claim and demand was made by the sheriff, showing that each of these witnesses had been again summoned



by process issued by the clerk. This conduct has cost the State several thousand dollars because the services claimed by the sheriff were not true and in fact never performed. By the use of ordinary care and diligence on the part of the judge these facts could have been easily ascertained.

Another item the committee desires to call to your attention is the approval by this judge of the sheriff's account in Burleson county for making arrests in which the sheriff claims he traveled 1600 miles, arresting one person on two consecutive days, and this occurred with reference to three different defendants for the same two consecutive days, making a grand total of 4800 miles the sheriff claims to have traveled in the two days arresting three people, when in truth and in fact these three persons were arrested at the same place, on the same day, and were transported to Burleson county jail in the same car, and when in truth and in fact said Judge J. B. Price approved said account. As previously stated, the practice and conduct of this judge has been such that the State has paid out of the State Treasury thousands of dollars that were unauthorized by law.

Therefore, it is resolved by this committee, this report be made to the Honorable First Called Session of the Forty-second Legislature of Texas, and that you inquire into the correctness of the allegations made herein and take such action as this honorable body deems proper.

In a few days, as soon as circumstances warrant, a fuller and more complete report will be made by this committee, showing numerous violations of the law.

BECK,

Chairman, Senate Investigating Committee;

HARDIN,

Vice-Chairman, Senate Investigating Committee;

PURL,

State Senator and Attorney for Senate Investigating Committee;

DeBERRY,

State Senator and Member of Senate Investigating Committee.

MOORE,

State Senator and Member of Senate Investigating Committee.

## RECESS.

On motion of Mr. Hardy, the House, at 12 m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## IMPEACHMENT CHARGES PRE- FERRED.

The Speaker laid before the House and had read the following impeachment charges:

Whereas, We, H. N. Graves, Phil L. Sanders, and J. Turney Terrell, Representatives duly elected, qualified and acting in the Forty-second Legislature, First Called Session, 1931, are informed and believe, and under the solemnity of our respective oaths of office do hereby present and charge:

1. That J. B. Price, duly elected and acting district judge of the Twenty-first Judicial District of Texas, comprising four counties, to-wit: Lee, Burleson, Washington and Bastrop, is guilty of gross neglect of the duties enjoined upon him as such district judge in the performance of his official acts in this, to-wit: That he has from time to time covering a period from January 1st, 1929, up to and including June 30th, 1931, in disregard of the laws of this State, approved accounts for the sheriffs of various counties within his judicial district and certified that said accounts were correct and that the amounts claimed by said officers as a demand upon the State were correctly stated, when in truth and in fact, some of said accounts so certified to by said judge were wholly incorrect and constituted an endorsement for the demand of fees of office where the services were not performed and where the account as approved by said judge was for duplication of purported fees of office.

In connection with the first and foregoing charge, we further allege and charge that the said J. B. Price, acting as said district judge, approved the account of John T. Carlisle, sheriff of Lee county, for the October, 1925, and April, 1926, terms of the district court in Lee county, for the sums of \$6,317.25 and \$12,023.80, respectively, when in truth

and in fact, said certificate of the court was grossly erroneous and authorized a demand to be made upon the State by Sheriff Carlisle for said sums of money that were not due to said Carlisle, as provided for by law.

2. That said J. B. Price thereafter, on or about November 30th, 1930, called on the Comptroller of the State of Texas and insisted that the above-mentioned accounts for Sheriff John T. Carlisle of Lee county be approved and that he be paid the sum of \$12,000, when in truth and in fact, the said J. B. Price knew, or should have known with the use of ordinary diligence, that said amount should not be paid out of the State Treasury of this State and that said amount was not due Sheriff Carlisle as claimed by Judge Price.

3. That the said J. B. Price is and has been continuously since his election, guilty of gross neglect of his duty as such judge in this, to-wit: That he has not complied with Article 1036 of the Code of Criminal Procedure of the State of Texas, wherein it is provided that the district or criminal judge, when said sheriff's bill is presented him, shall examine the same carefully and inquire into the correctness thereof and approve the same, in whole or in part, or disapprove the entire bill, as the facts and the law may require.

4. That in Burleson county, same being one of the counties in the said J. B. Price's judicial district, said J. B. Price approved the account of the said sheriff for the May, 1930, term of the district court, wherein it was claimed by said sheriff that he traveled 1600 miles in arresting one person on two consecutive days and, likewise, 1600 miles in arresting two other named defendants, a total distance of 4800 miles claimed to have been traveled by the sheriff on two consecutive days, to-wit: June 10th and June 11th, 1930, when in truth and in fact these three defendants were arrested and conveyed to the Burleson county jail on one trip, at the same time and on one day, traveling a total distance of only 210 miles, and in approving said account the said J. B. Price aided and assisted the sheriff of Burleson county to make a demand on the State of Texas for the sum of \$1551.25 more than was allowed by law and, in connection herewith, we aver that should

the said Judge Price have exercised the use of ordinary care and diligence as provided by law, said demand as made in said sheriff's account would have been disallowed by him, instead of approved by him.

5. That the said J. B. Price certified to and approved an account of Clint D. Lewis, sheriff of Burleson county, for the November, 1930, term of court, wherein it was claimed by said Lewis that he was entitled to a fee of 15 cents per mile going to and 30 cents returning from arresting W. M. Hill one time in Dallas, Dallas county, Texas, on 6-28-30, traveling 400 miles to make said arrest, and making a demand upon the State for the sum of \$93, also certifying to and approving said Clint D. Lewis' account for the same term of court for services rendered by him in arresting a defendant by the name of J. H. Smith twice in Dallas, Dallas county, Texas, on 6-27-30, traveling a total distance of 800 miles and charging a fee of 15 cents for going to and 30 cents for returning from Dallas, Dallas county, Texas, returning the said Smith to Caldwell in Burleson county, Texas, allowing a charge to be made against the State for the sum of \$186 for said purported service, and that said J. B. Price certified to and approved the said Clint D. Lewis' account for the November, 1930, term of court in Burleson county, Texas, for arresting a defendant by the name of A. J. Rogers once on 6-26-30 and again on 6-27-30, and also arresting a defendant by the name of A. J. Rayford on 6-26-30 in Dallas, Dallas county, Texas, and allowed a fee of 15 cents per mile for each arrest in going to Dallas and 30 cents per mile on each arrest for returning from Dallas, Dallas county, Texas, to Caldwell in Burleson county, Texas, thereby allowing the said sheriff to collect from the State of Texas the sum of \$279 for such purported service.

In connection with the allegations made in Paragraph 5 with reference to the arrest of Hill, Smith, Rogers and Rayford, it is alleged that in truth and in fact there were only two men transported from Dallas, Dallas county, Texas, to Caldwell in Burleson county, Texas, and these two men were arrested by Detective C. R. Wood, a city detective living in Dallas, Texas, and they were turned over to S. S. Wood, who was then consta-

ble of Precinct No. 1, Burleson county, Texas, and that thereafter the said constable conveyed the two men at the same time and on the same day and in the same car to Caldwell in Burleson county, Texas, conveying said prisoners in T. K. Irwin's car, said T. K. Irwin being attorney for each of the defendants, and that by reason of said J. B. Price's certificate and approval of said sheriff's account, the sheriff was paid the sum of \$558, when in truth and in fact he was to demand and receive from the State the sum of only \$120, and that by reason of said conduct the sheriff received \$438 more than was allowed by law, and that by the use of ordinary care and diligence in compliance with the law required of said judge, the true and correct facts as herein charged could have been easily ascertained by him.

6. That the said J. B. Price, while acting as judge of the Twenty-first Judicial District, certified to and approved the account of Clint D. Lewis, sheriff of Burleson county, Texas, for the November, 1930, term of court, for subpoenas upon four different men to testify as witnesses against two defendants, and said witnesses' names, together with the dates it is claimed by said sheriff that they were actually summoned, will respectfully appear as follows: Herman Opperman, Jr., six times, November 20th, 1930, traveling a total distance on the one date of 180 miles in serving a subpoena upon the same men in the same county by purporting to be in six cases. The next witness was Ed Sabotik. It was claimed by said sheriff and certified to by the court as being correct, that he subpoenaed by personal service six different times on November 20th, 1930, by traveling 180 miles. The next witness purported to have been summoned six times was Will Opperman, claimed to have been personally served on November 21st six different times by traveling a total of 180 miles, and the next witness was Gus Jahns, purported to have been summoned, as shown by the sheriff's account and as approved by the said J. B. Price on November 22nd, 1930, six different times, traveling 180 miles, when in truth and in fact, the sheriff, as well as the judge, knew, or should have known by the use of ordinary diligence, that said witnesses were not summoned six different times on the same date, and that a distance of 30

miles was traveled by the sheriff in serving the subpoenas on said witnesses six different times on the dates claimed in said sheriff's account, and it is here and now charged and alleged that said witnesses were not served with process as claimed in said account and that they were only subpoenaed to appear one time by the sheriff of Burleson county.

7. That said judge, in violation of the Constitution and laws of this State, in careless disregard of the duties imposed upon him as such judge, certified to and approved the account of Sheriff Clint D. Lewis of Burleson county, Texas, at the November, 1930, term of court, amounting to \$51 for services claimed to have been performed by said sheriff in arresting a defendant by the name of Otis DeHart in Bryan, Texas, twice on June 6th, 1930, and transferring him to Caldwell in Burleson county, Texas, traveling 50 miles going to and 50 miles returning from Bryan, Texas, and collecting a fee for said purported service in the sum of \$60, when in truth and in fact, the said Otis DeHart was not arrested by the said Clint D. Lewis, or any of his deputies, in Bryan, Texas, on said dates, and was not transferred to Caldwell in Burleson county as claimed on said date, and in connection therewith we allege that said Otis DeHart was never at any time placed in the Burleson county jail, as claimed in said sheriff's account. A charge exactly similar to the one set out with reference to Otis DeHart was made by the said sheriff with reference to a man by the name of Harold White on July 6th, 1930, in two cases wherein the sheriff collected from the State of Texas the sum of \$51, for purported service in arresting said White in Bryan, Texas, and in transporting him from Bryan to Caldwell in Burleson county, Texas, when in truth and in fact, said services were not performed by said sheriff, or any of his deputies, and the said Harold White was never on any date at any time placed in the Burleson county jail, and the said J. B. Price could have known, by the exercise of ordinary diligence, that said purported claim as made by the sheriff was not correct and that same should have been disallowed.

8. It is alleged that the said J. B. Price certified to and approved the account of Clint D. Lewis, sheriff of

Burleson county, Texas, as presented to him for the November, 1928, term of court for services claimed to have been performed by said officer in arresting within said county a lady defendant by the name of Bessie Norcross seven different times on December 22nd, 1920, purporting to have traveled 20 miles in going to the place of arrest and 20 miles in returning from the place of arrest with said defendant, demanding and collecting a total of \$84 from the State of Texas for said purported service, when in truth and in fact, said defendant was not arrested as claimed by said sheriff, and that said mileage claimed to have been traveled by him because said defendant came to the sheriff's office, surrendered herself voluntarily and entered under a bond which was approved by the sheriff's department, and she was at that time released.

In this connection, we here charge and allege that this lady defendant resided in Burleson county, Texas, and that by the exercise of the legal duties enjoined upon the said J. B. Price by the Constitution and laws of this State, the said Judge Price could have known that said services were not in truth and in fact performed as was claimed by said sheriff in his account, and should the judge have complied with the law relating thereto, said account would have been disallowed and same would not have been paid out of the State Treasury.

9. That the said J. B. Price, while acting as district judge, as aforesaid, carelessly, knowingly and unlawfully certified to and approved the account of John J. Burtschell, sheriff of Lee county, for the spring, 1931, term of court, said county being within the Twenty-first Judicial District of Texas; that in approving said account said judge certified that the account as stated by the sheriff was correct and that he would approve the same for \$1,705.45, because said account shows that the sheriff claimed to have traveled 18,918 miles in eleven days, on the respective dates as follows: from April 22nd to May 2nd, 1931, and subpoenaing 800 witnesses; that Lee county had a population in 1930 of 13,390, as shown by the 1930 Federal census, and the certificate of the tax collector of Lee county shows that there were only 3,046 poll tax receipts issued in the county for the year 1930 to both men and women; that most of the process that was is-

sued demanding the sheriff to summon witnesses in the spring term of court in said county was done by the district clerk signing the process book in blank and turning it over to the sheriff of said county in order that he might place the names of such people as he might see proper in said process, and we affirmatively aver that the sheriff did not summon 800 witnesses as aforesaid, and did not travel 18,918 miles as aforesaid, and that said sheriff's account for said claim against the State should have been disallowed by Judge J. B. Price, and we allege that should the court have exercised the use of ordinary care and diligence in the discharge of his duties imposed upon him by law, he could easily have ascertained the correctness and truthfulness of this account but, to the contrary, said account was signed and approved by said court on May 8th, 1931, thereby permitting and assisting the sheriff to make extorsive demands upon the State Treasury for services that were not performed by said sheriff.

In connection with the above account, it is shown by said account that the court approved the sheriff's claim for having summoned 151 witnesses in the Rafael Carvantes cause, when in truth and in fact, there was no legal application made with the district clerk as required by law, asking that said witnesses be subpoenaed to testify in said cause. However, the sheriff claims to have subpoenaed 151 witnesses, making a demand upon the State for the sum of \$262.60, when in truth and in fact, nearly all of the witnesses that were subpoenaed by the sheriff knew nothing about the facts in this case and were not material witnesses, and the way they were subpoenaed was by the sheriff going to the jail where Carvantes was held and asking him to think up names of all the people that he knew, and the sheriff had him sign a paper in blank, purporting to be an application for material witnesses in his cause, and the names of the witnesses that Carvantes wanted subpoenaed were written by him on a piece of paper and handed to the sheriff. He did not know how many witnesses the sheriff had subpoenaed for him, and did not authorize him to subpoena 151 witnesses; that all of these facts could have been known by the judge approving this account by the use of ordinary care and diligence and by

the exercise of his lawful duties as enjoined upon him by the laws of this State.

10. We further allege and charge that said judge was careless and negligent in the discharge of his duty in this, to-wit: that he allowed, certified to and approved the account of John J. Burtschell, sheriff of Lee county, for the spring, 1931, term of court, wherein it was claimed by said sheriff that he had subpoenaed sixty witnesses to appear and testify in Cause No. 2249, State of Texas vs. John Johnson, charged with burglary and theft, when in truth and in fact the same practice as heretofore alleged was used by the sheriff in being able to subpoena a long list of witnesses in order to make demands upon the State for collection of his fees as allowed by law. We allege that the sheriff asked the defendant, John Johnson, to make up a list of all the people that he knew in Lee county so that the sheriff might have them all subpoenaed. The defendant did not have any lawyer, but gave the sheriff the names of six witnesses who did not live in Lee county, but who resided in Waco, McLennan county, Texas. This man was not represented by counsel and made no sworn application for witnesses in his cause, and the six witnesses that he had requested out-of-county subpoenas for were not subpoenaed. In truth and in fact, most of the witnesses alleged to have been subpoenaed by said sheriff are persons who are unknown, who cannot be located, and who are fictitious persons for the practice and custom as hereinabove detailed with reference to the process for witnesses in Lee county has been continuously practiced by the sheriff, and that by reason thereof there has been demands made upon the State Treasury for thousands of dollars that are not provided for by law, and we further allege that Judge Price either did know, or could have known by the exercise of ordinary care and diligence, or by the exercise of the power vested in him as district judge, that said amount should not have been approved, but should have been disallowed by him.

11. We further allege and charge that the said J. B. Price approved and certified to as correct the account of Woody Townsend, sheriff of Bastrop county, Texas, said county being within the Twenty-first Judicial Dis-

trict, for the sum of \$4499.20 for the January, 1931, term of said court, and that there had been pending in his said court Cause No. 2961, State of Texas vs. Mack Matthews, charged with murder, and in the June, 1928, term of said court in Bastrop county said sheriff claimed to have subpoenaed 236 witnesses and that said demand was made for the sheriff's account upon the State for such service, with a certificate and approval by Judge Price, and that thereafter, in the January, 1929, term of court, there was another account and claim made by the sheriff for subpoenaing 235 witnesses in the same cause, which was certified to and approved by Judge Price and paid by the State; that again, in the June, 1929, term of the Bastrop county district court, it is claimed that the sheriff subpoenaed 230 witnesses, which account was approved as correct by said Judge Price, and then again in the January, 1931, term in the same cause there were again 189 witnesses subpoenaed. In other words, this judge permitted the sheriff to claim fees for subpoenaing all of these witnesses at four terms of court to testify in this one cause, which was purely and strictly a duplication of miles and a duplication of fees, which are prohibited and unauthorized by the laws of this State allowing the sheriff of Bastrop county to make demand upon and collect from the State Treasury the sum total of \$2397.70, when in truth and in fact there should have been only one subpoenae issued for such witness applied for in said cause, and that upon said witnesses' failure to appear the court might have issued attachments for those failing to appear at the instance and upon the sworn application of either the State or the defendant.

We further allege and charge that the judge himself, after each one of the terms of court herein above named, excused this large number of witnesses, stating to them from the bench that they would be resubpoenaed to again appear and testify in this cause, and that in compliance with that statement, said judge did permit the sheriff to collect in four different accounts fees for subpoenaing the same people for different times in the same cause.

All of this conduct is contrary to the Constitution and laws of this State, and the court so well knew, or

could have known by the exercise of ordinary care and diligence, that these fees above mentioned were unauthorized by law and this sum of money would not have been paid out of the State Treasury if the said J. B. Price had complied with the law relating thereto and had complied with his oath of office as prescribed by law. We further aver that the account of the sheriff herein above mentioned should have been disallowed for every term of court wherein fees were collected, except for the June, 1928, term when process was first issued for these witnesses.

12. We further allege and charge that the said J. B. Price approved and certified to the account of Woody Townsend, sheriff of Bastrop county, in Cause No. 2997, pending in the district court of Bastrop county, the defendant's name being Murray Henderson, for services alleged and claimed to have been performed by said sheriff in serving process upon certain witnesses in the January, 1929, June, 1929, and January, 1930, terms of court, and we attach thereto and make a part hereof, Exhibit "A" showing the names of certain witnesses, the dates it was claimed by said sheriff that said witnesses were subpoenaed and showing that said sheriff was allowed to collect for subpoenaing these witnesses at three separate and distinct terms of court by traveling all the way from 10 miles to 52 miles in serving said process, and we further allege that said witnesses in truth and in fact, did not live at the time process was served upon them, over 10 miles from the Bastrop county courthouse, and that the miles claimed to have been traveled by said sheriff were not actually traveled, and that there should not have been claim made upon the State for the payment of this service, when in truth and in fact, it was not performed. We further allege that the said J. B. Price could have known by the exercise of ordinary care and diligence that the mileage claimed by the sheriff in subpoenaing these witnesses at three different terms of court was not authorized by law and that said sheriff was not entitled to any fees for resubpoenaing the same witnesses in the same cause, except where he would be allowed a fee for serving attachment on witnesses who had failed to appear as commanded in the original process.

13. We further allege and charge that the said J. B. Price, while acting as district judge in Lee county, said county being within his judicial district, did carelessly, knowingly and unlawfully sign in blank and affix his signature to the witness fee account and certificates used by said county for the year 1930, and that said judge did sign and affix his signature to the certificates kept by the clerk of said court, as provided for in Article 1036 of the Code of Criminal Procedure of the State of Texas, and that in said article it is provided that before the close of each term of the district court witnesses who live out of the county where any felony case is pending shall, before they are entitled to receive any fees as such witnesses, make affidavit stating the number of miles they will have traveled in going to and returning from the court by the nearest practical conveyance and the number of days they will necessarily have been absent going to and returning from the place of trial, which affidavit shall be filed with the papers in the cause, and said article further provides that: No witness shall receive pay for his services as a witness in more than one cause at any one term of the court. Fees shall not be allowed to more than two witnesses to the same fact unless the judge before whom the case is tried shall, after such case has been disposed of, certify that such witnesses are necessary in the cause; nor shall any witness recognize or attach for the purpose of proving the general character of the defendant, be entitled to the benefits hereof.

Article 1036 of the Code of Criminal Procedure, Section 4, provides that the district or criminal district judge, when any such witness' bill is presented to him, shall examine the same carefully, and inquire into the correctness thereof and approve the same, in whole or in part, or disapprove the entire bill, as the facts and law may require, and we allege that the signing of the blank witness certificates showed an utter disregard on the part of the said J. B. Price in complying with the law hereinabove mentioned, and that it is very obvious that said judge could not have inquired into the correctness of the claim or certificate of the witnesses when no witnesses' names appeared on said certificate at the time his signature was affixed thereto, but that

said conduct was of such a nature that said blank certificate could have been filled out by the district clerk or any other person at the will of any other person, and create a demand against the State for fees that were not allowed by law; that all of the conduct of the said J. B. Price, as hereinabove set out, plainly shows that he is guilty of gross neglect of duty, official misconduct and gross carelessness in the performance of his duties as district judge.

Now, therefore, we, as legislators of the Forty-second Legislature, do hereby present these charges, with a request that they be adopted by the House of Representatives, First

Called Session of the Forty-second Legislature, 1931, as impeachment charges against the said J. B. Price, district judge of the Twenty-first Judicial District of Texas.

H. N. GRAVES,

Member House of Representatives.

PHIL L. SANDERS,

Member House of Representatives.

J. TURNEY TERRELL,

Member House of Representatives.

Sworn to and subscribed before me, this 30th day of July, A. D. 1931.

EFFIE WILSON WALDRON,

Notary Public in and for Travis County, Texas.

## EXHIBIT "A"

Name of Witness	Jan. Term, 1929			June Term, 1929			Jan. Term, 1930		
Lee Powell	2-14	20 S	2.50	5-22	28 E	3.20	2- 1	28 W	3.30
Johnie Mae Powell	2-14	36 E	4.10	5-22	44 SW	4.90	2- 4		.50
Annie Powell	2-14	34 S	3.90	6-20	34 W	3.90	1-28	32 E	3.70
Lee Allen Powell	2-15	34 S	3.90	6-27	24 SE	2.90	1-31	46 S	5.10
Gentry Lee Powell	1-30	28 SE	3.30	6-26	40 SE	4.50	2- 9	52 W	5.70
Ruben Powell	2-19	32 SE	3.70	6-29	20 S	2.50	2- 9	34 E	3.90
Geo. B. Powell	1-31	30 N	3.50	6-19	30 SE	3.50	2- 7	40 W	4.50
Alberta Wilson	2-15	16 E	2.10	6-29	32 E	3.70	2- 3	32 N	3.70
Dock Wilson	1-25	30 E	3.50	7- 4	32 N	3.70	2- 9	44 NE	4.90
D. C. Wilson (same)	2- 8	30 E	3.50	6-26	32 W	3.70			
Sam Jack Wilson	1-31	40 S	4.50	6-21	28 E	3.30	2- 3	48 W	5.30
Eli Wilson	1-26	16 E	2.10	6-22	22 E	2.70	1-31	40 NE	4.50
Woody Wilson	2- 8	44 W	4.90	6-24	36 NW	4.10	1-29	40 N	4.50
Andrew Lee Wilson	2-12	44 NE	4.90	6-28	42 SE	4.70	2- 4	48 N	5.30
Hosea Wilson	2-20	44 N	4.90	6-24	30 SE	3.50	2- 6	50 N	5.50
H. H. Wilson (same)	1-25	44 NW	4.90						
George Wilson	2- 9	36 W	4.10	6-24	36 N	4.10	2- 8		.50
Julia James	2- 3	14 W	1.90	7- 2	30 S	3.50	2- 6	36 S	4.10
Wade James	1-29	32 W	3.70	6-20	34 SW	3.90	2- 5	34 E	3.90
Charles James	2-14	36 E	4.10	6-22	32 SW	3.70	2- 3	32 E	3.70
Frank James	2- 9	32 W	3.70	6-22	16 S	2.10	2- 8	48 NE	5.30
Ida Mae James	1-26	30 N	3.50	6-21	24 E	2.90	1-30	24 SE	2.90
Yancy Jackson	2- 2	28 S	3.30	6-20	40 E	4.50	2- 4	44 S	4.90
Yancy Jackson				6-29	20 S	2.50	2- 9	50 SW	5.50
Sam Jackson	1-30	36 E	4.10	6-24	28 E	3.30	2- 7	46 NW	5.10
Carey Jackson	2- 4	44 S	4.90	6-20	36 S	4.10	2- 6	32 W	3.70
Isaac Jackson	2-18	40 E	4.50	6-29	44 S	4.90	2- 4	44 W	4.90
Balaam Jackson	1-30	32 NW	3.70	6-19	44 NE	4.90	2- 9	30 N	3.50
Johnie Jackson	2-10	32 S	3.70	6-25	24 W	2.90	2- 4		.50
	2-12	34 SE	3.90	7- 3	32 SW	3.70			
Andy Jackson	2-13	20 E	2.50	6-24	20 S	2.50	1-30	48 W	5.30
Albert Cobb	1-31	20 SW	2.50	6-21	24 S	2.90	2- 2	20 E	2.50
Johnson Cobb	2- 8	30 N	3.50	6-28	20 S	2.50	2- 7	40 NW	4.50
Johnson Cobb	1-25	36 E	4.10	6-20	40 W	4.50	2- 2	28 E	3.30
							2- 8		.50
Will Leonard	1-25	44 E	4.90	6-30		.50	2-10	24 E	3.90
Will Leonard	2-10	28 NE	3.80	6-25	30 W	3.50	2- 4	44 S	4.90
Hosie Henderson	2-10	36 W	4.10	6-26	44 N	4.90	2- 7	36 W	4.10
Cora Henderson	2-17	42 NE	4.70	6-30	28 SE	3.30	2- 6	40 NW	4.50
John T. Henderson	2-12	40 N	4.50	6-25	44 NW	4.90	2- 3	34 S	3.90
Ike Henderson	2- 7	20 NW	2.50	6-19	20 S	2.50	2-10	52 W	5.70
Charlotte Henderson	2-18	40 E	4.50	6-24	24 SE	2.90	2-10		.50
Johnson Harper	2-19	20 E	2.50	7- 4	24 E	2.90	2- 2	48 SE	5.30
Allie Harper	2-14	42 S	4.70	6-30	48 NW	5.30	2- 6	52 SE	5.70
Carrie Burges	2- 9	36 NE	4.10	6-30	40 SW	4.50	2- 8	30 N	3.50
Carrie Burges	1-27	24 SE	2.90	6-24	24 SE	2.90	2- 5	44 S	4.90
Charles Lee	1-27	24 E	2.90	7- 2	28 W	3.30	2- 7	30 SE	3.50
	2-15	34 S	3.90	6-19	36 SE	4.10	2-10	44 W	4.90



(Mr. Satterwhite in the chair.)

Mr. Sanders and Mr. Terrell of Val Verde offered the following resolution:

Whereas, There has been this day filed by Harry N. Graves, Phil L. Sanders and J. Turney Terrell, members of the House of Representatives of the First Called Session of the Forty-second Legislature, certain charges against J. B. Price, district judge of the Twenty-first Judicial District of Texas, a copy of which is hereto attached and made a part hereof, and which the House of Representatives must investigate; be it, therefore,

Resolved, That this House of Representatives resolve itself into a Committee of the Whole House and shall forthwith proceed to an investigation of the charges above referred to and this day filed, it being the intention of this House to conduct a full, fair and impartial investigation; that the Hon. Harry N. Graves, Hon. Alfred Petsch, members of the House of Representatives, and Hon. Grady Sturgeon, Assistant Attorney General of Texas, be appointed to represent the House of Representatives in the development of said charges; that the Speaker shall appoint stenographers to transcribe the proceedings of the hearings, and the same shall be paid for at the regular rates charged by court reporters; that all witnesses before the Committee shall be paid the same fees as provided for witnesses summoned in the district courts of this State in criminal cases; that the House, sitting as a Committee of the Whole, shall have the right to summon witnesses, who shall be sworn by the Speaker, the presiding member, or the Chief Clerk of the House, and that said Committee of the Whole shall have full authority to issue all necessary process, summon witnesses and to compel their attendance, and for production before it of any papers, books or documents, and that all expenses shall be paid by warrants properly issued by the Chairman of the Committee on Contingent Expense, to be approved by the Speaker of the House.

Provided, however, before the close of the investigation the witness shall make affidavit stating the number of miles he will have traveled going to and returning from Austin, Travis county, Texas, by the nearest practical conveyance, and the number of days he will have been necessarily

absent going to and returning from Austin, Travis county, Texas, which affidavit shall be filed with the Chairman of the Committee on Contingent Expense. Fees shall not be allowed to more than five witnesses to the same fact, unless the Chairman of the Committee of the Whole House after such inquiry has been disposed of certify such witnesses were necessary in the cause.

In addition to the powers herein enumerated, the House, sitting as a Committee of the Whole, shall have all the powers given to legislative investigating committees in Articles 5961 and 5962 of the Revised Civil Statutes, 1925; be it further

Resolved, That the hearings shall be conducted and evidence submitted upon not only such matters as may be charged specifically, but on other matters involving the official integrity of the district judge of the Twenty-first Judicial District, J. B. Price; be it further

Resolved, That Section 2 of Rule 21 of the House of Representatives, as adopted at the Regular Session of the Forty-second Legislature, be, and the same is, hereby suspended and the Speaker of the House of Representatives is hereby designated as Chairman of the Committee of the Whole House; be it further

Resolved, That the said Chairman of the Committee of the Whole House shall pass upon the admissibility of testimony; be it further

Resolved, That at the conclusion of the testimony the Committee of the Whole House shall recommend to the House of Representatives such action as it may deem necessary and proper in reference to the charges; and be it further

Resolved, That the district judge of the Twenty-first Judicial District be permitted to have counsel of his own selection to represent him in the hearing before the Committee of the Whole House.

TERRELL,  
SANDERS.

The resolution was read second time, and was adopted.

(Speaker in the chair.)

#### COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Sanders, the House, at 2:35 o'clock p. m., resolved itself into a Committee of the Whole

House for the purpose of considering oil and gas conservation matters.

# IN THE HOUSE.

(Mr. Minor in the chair.)

At 5:15 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 9 o'clock a. m. tomorrow.

The Committee of the Whole House reported the following proceedings:

Mr. Graves, chairman of the subcommittee appointed to draft certain bills in regard to oil conservation, submitted the following report:

Committee Room,

Austin, Texas, July 31, 1931.

Hon. Fred H. Minor, Chairman of the Committee of the Whole House.

Dear Sir: We, your committee appointed to consider and report on the powers and procedure features of oil and gas conservation under the Satterwhite motion made and adopted July 30, 1931, beg leave to report that we have carefully considered the same and we, a majority of said committee, report as follows:

We recommend the adoption of House bill No. 25, with the following corrective amendment. This corrective amendment was unanimously adopted by your entire committee:

## Corrective Amendment No. 1.

a. Amend Section 2, page 2, of the mimeographed copy by adding in line 21 after the word "described" the following words: "To be cumulative of and not contrary to the above."

b. Amend Section 2, page 2, of the mimeographed copy, by adding at the end of Section 2 the following words: "It is not the intent of this act to prohibit the storage of crude petroleum oil, hereafter produced in the absence of, or as permitted by any rule, regulation or order of the Commission, or as permitted by the final judgment of any court of competent jurisdiction, nor to prohibit the continuance in storage of oil heretofore produced, except, in both cases where the manner or method of such storage shall be in violation of this act."

c. Amend Section 6, page 3, of the mimeographed copy by striking out the words "as sole defendants" and inserting in lieu thereof the following: "and all other proper parties, if any, as defendants."

d. Amend Section 6, page 4, of the mimeographed copy in the second line by inserting after the word "date" the following words: "or at any time after ten days from completion of service of process."

e. Amend Section 7, page 4, of the mimeographed copy in the fourth line from the bottom of the page by striking out the word "dismissed" and inserting in lieu thereof the following words: "disposed of."

f. Amend Section 8, page 5, of the mimeographed copy by striking out the second sentence in said section and inserting in lieu thereof the following: "In the Court of Civil Appeals such court shall immediately and at as early a date as possible decide the questions involved herein; and in the event any question or questions shall be certified to the Supreme Court, or writ of error thereto be requested or granted, it is here made the duty of the Supreme Court to immediately set down said cause for hearing and decide the cause at as early a date as possible, and such cause shall have precedence over all other cases, proceedings and causes of a different character in such court."

g. Amend Section 10, page 5, of the mimeographed copy in the second line from the bottom of the page by striking out the word "judgment" and inserting in lieu thereof the word "judge;" and by inserting in the last line on said page after the word "court" the following words: "in which said case was tried."

h. Amend Section 10, page 6, of the mimeographed copy, by adding at the end of line 4 the following words, "and hearing" and by striking out the following words, "and discharge the receiver only upon showing that such party has not willfully violated nor suffered property owned or controlled by him to be used in violating such rule, regulation, order or judgment, or upon other good cause shown, in" and insert in lieu thereof "and the court upon notice and hearing may dissolve such receivership for good and equitable grounds and the showing by the owner that he is ready, able and willing to obey the order and judgment of the court for the violation of which such receiver was appointed, and in."

Respectfully submitted,

GRAVES,

KELLER,

JOHNSON of Dimmit,

Mr. Lasseter raised a point of order on further consideration of the report on the ground that the committee does not have the authority to make recommendations and has, therefore, exceeded its authority.

The Chairman overruled the point of order.

(Signed) FRED H. MINOR,  
Chairman of the Committee of the  
Whole House.

#### ADJOURNMENT.

Mr. Greathouse moved that the House recess to 9 o'clock a. m. tomorrow.

Mr. Hardy moved that the House adjourn until 9 o'clock a. m. next Monday.

Mr. Keller moved that the House adjourn until 9 o'clock a. m. tomorrow.

Question first recurring on the motion by Mr. Keller, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—49.

Adams of Jasper.	Kennedy.
Adamson.	Laird.
Albritton.	Lilley.
Alsop.	Lockhart.
Beck.	Long.
Brice.	McGill.
Bryant.	Magee.
Burns of Walker.	Moffett.
Carpenter.	Murphy.
Claunch.	Olsen.
Dale.	Ratliff.
Dowell.	Ray.
Elliott.	Richardson.
Forbes.	Rountree.
Ford.	Sanders.
Goodman.	Satterwhite.
Graves.	Steward.
Hatchitt.	Strong.
Herzik.	Terrell of Cherokee.
Hill.	Turner.
Hubbard.	Veatch.
Johnson	Wagstaff.
of Dimmit.	Walker.
Jones of Atascosa.	Weinert.
Keller.	West of Coryell.

#### Nays—46.

Adkins.	Cunningham.
Akin.	Donnell.
Baker.	Farmer.
Bedford.	Farrar.
Bounds.	Fuchs.
Brooks.	Giles.
Cox of Limestone.	Greathouse.

Grogan.	McDougald.
Hanson.	McGregor.
Hardy.	Nicholson.
Harman.	Petsch.
Harrison	Rogers.
of El Paso.	Shelton.
Harrison	Sherrill.
of Waller.	Smith of Bastrop.
Holland.	Smith of Wood.
Holloway.	Sparkman.
Hoskins.	Stephens.
Hughes.	Tarwater.
Jackson.	Towery.
Johnson	Vaughan.
of Dallam.	West of Cameron.
Johnson of Morris.	Wiggs.
Justiss.	Young.
Leonard.	

#### Absent.

Adams of Harris.	Jones of Shelby.
Anderson.	Lasseter.
Barron.	Lee.
Bond.	Lemens.
Bradley.	McCombs.
Caven.	Martin.
Coltrin.	Moore.
Coombes.	Morse.
Cox of Lamar.	Munson.
Daniel.	O'Quinn.
Davis.	Patterson.
Dunlap.	Pope.
Duvall.	Ramsey.
Dwyer.	Reader.
Ferguson.	Savage.
Finn.	Scott.
Fisher.	Stevenson.
Gilbert.	Sullivant.
Hefley.	Van Zandt.
Hines.	Westbrook.
Howsley.	Wyatt.

#### Absent—Excused.

Boyd.	Kayton.
Burns	Mathis.
of McCulloch.	Mehl.
DeWolfe.	Metcalfe.
Dodd.	Terrell
Englehard.	of Val Verde.
Holder.	Warwick.

The House accordingly, at 5:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORT.

The Committee of the Whole House filed a favorable report on House bill No. 23.

# REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, July 31, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 21, A bill to be entitled  
"An Act amending Section 5, Chap-  
ter 15, Local and Special Laws, Acts  
of Second Called Session, Forty-first  
Legislature, relating to the creation  
of the Brazos River Conservation and  
Reclamation District and the estab-  
lishment of the boundaries thereof;  
reappropriating for said purpose the  
unexpended balance of \$20,000 appro-  
priated for said purpose by Chapter  
35, etc., and declaring an emer-  
gency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, July 31, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 23, A bill to be entitled  
"An Act providing for the leasing of  
the river bed of the Sabine River for  
oil and gas, authorizing the Governor,  
Land Commissioner and Attorney  
General to negotiate and execute  
leases either with or without drilling  
obligations; providing for the dispo-  
sition of funds derived from such  
leases; providing for certain appro-  
priations and for things necessary  
and incidental thereto, and declaring  
an emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, July 30, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 4, A bill to be entitled  
"An Act making an appropriation of  
thirty thousand dollars (\$30,000) to  
be used by the Attorney General for  
the purpose of paying the expenses  
of investigating and prosecuting vio-  
lations of conservation and anti-trust  
laws of this State, and declaring an  
emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, July 31, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 12, A bill to be entitled  
"An Act providing that it shall be  
unlawful to throw, cast, discharge or  
deposit crude petroleum, salt water  
and certain other substances in or on  
any stream, water course, or other  
body of water of this State; providing  
that salt water may be discharged  
into the tidal waters of this State,  
and that sulphur water, when so  
treated that it is not harmful to  
aquatic life or marine organisms,  
may be deposited in the tidal waters  
of this State; providing for the en-  
forcement of this act, disposition of  
fines, and fees of the arresting officer;  
and providing that it shall be cumu-  
lative of all other laws on this sub-  
ject, and declaring an emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, July 31, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 8, A bill to be entitled  
"An Act to conserve water supplies  
and prevent soil contamination; pre-  
scribing a penalty, and declaring an  
emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, July 30, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 3, A bill to be entitled  
"An Act amending Title 126, Revised  
Civil Statutes of 1925, making com-  
pulsory the personal attendance of  
out-of-county witnesses in suits in-  
volving violations of the conservation  
laws and of laws prohibiting trusts,  
monopolies or combinations in re-  
straint of trade; providing for the

manner of application for and issuance of subpoenas; providing that any witness failing to appear in obedience to subpoena may be punished for contempt; providing that parties to such suit shall tender traveling expenses of such witnesses where their place of residence is outside the county where such suit is pending; providing for the manner of payment of such witness' costs in case the State requests their personal attendance, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

### TENTH DAY.

(Saturday, August 1, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and developed the fact that there was not a quorum present.

Mr. Keller moved a call of the House for the purpose of securing a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Keller, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was again called and the following members were present:

Mr. Speaker.	Cox of Limestone.
Adams of Jasper.	Cunningham.
Adamson.	Dale.
Adkins.	Daniel.
Akin.	Donnell.
Albritton.	Dowell.
Alsup.	Elliott.
Baker.	Engelhard.
Barron.	Farmer.
Beck.	Farrar.
Bedford.	Forbes.
Bounds.	Ford.
Brice.	Fuchs.
Bryant.	Gilbert.
Carpenter.	Giles.
Caven.	Goodman.
Claunch.	Graves.
Coltrin.	Greathouse.

Grogan.	Murphy.
Hanson.	Nicholson.
Hardy.	Olsen.
Harman.	O'Quinn.
Harrison	Ramsey.
of El Paso.	Ratliff.
Harrison	Ray.
of Waller.	Richardson.
Hatchitt.	Rogers.
Herzik.	Rountree.
Hill.	Sanders.
Hines.	Satterwhite.
Holland.	Shelton.
Holloway.	Sherrill.
Hoskins.	Smith of Wood.
Howsley.	Sparkman.
Hubbard.	Stephens.
Hughes.	Steward.
Jackson.	Strong.
Johnson	Sullivan.
of Dallam.	Tarwater.
Johnson of Morris.	Terrell
Jones of Shelby.	of Cherokee.
Jones of Atascosa.	Terrell
Keller.	of Val Verde.
Kennedy.	Towery.
Laird.	Turner.
Lasseter.	Van Zandt.
Leonard.	Vaughan.
Lilley.	Veatch.
Lockhart.	Wagstaff.
Long.	Walker.
McCombs.	Weinert.
McDougald.	West of Coryell.
McGill.	West of Cameron.
McGregor.	Westbrook.
Magee.	Wiggs.
Moffett.	Wyatt.
Morse.	Young.

### Absent.

Anderson.	Lee.
Bond.	Lemens.
Bradley.	Martin.
Burns of Walker.	Moore.
Davis.	Murpns.
Duvall.	Poene.
Dwyer.	Raod.
Finn.	Scott.
Hefley.	Smith of Bastrop.
Justiss.	Stevenson.
Kayton.	

### Absent—Excused.

Adams of Harris.	Fisher.
Boyd.	Holder.
Brooks.	Johnson
Burns	of Dimmit.
of McCulloch.	Mathis.
Coombes.	Mehl.
Cox of Lamar.	Metcalfe.
DeWolfe.	Patterson.
Dodd.	Petsch.
Dunlap.	Savage.
Ferguson.	Warwick.